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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,928	05/25/2006	George Telfer	3332.24	3104
29166	7590	10/18/2007		
PERRET DOISE A PROFESSIONAL LAW CORPORATION P.O. DRAWER 3408 LAFAYETTE, LA 70502-3408			EXAMINER TSAY, FRANK	
			ART UNIT 3676	PAPER NUMBER
			MAIL DATE 10/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,928

Applicant(s)

TELFER, GEORGE

Examiner

Frank S. Tsay

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3672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17, 20 and 22 is/are rejected.
- 7) ☒ Claim(s) 18, 19 and 21 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/12/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 11-17, 20, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Allamon (2003/0024706).

Regarding Claims 1, 11-13, and 14, Allamon discloses a tool (Fig. 1) for circulating fluid in a wellbore (paragraph 69, lines 1-3), the tool comprising a tubular assembly having a through passage between an inlet and a first outlet (Fig. 2), the inlet and the first outlet being adapted for connection in a work string. A second outlet 126 extending generally transversely of the tubular assembly; an obturating member 141, 142 movable between a first position (Fig. 3) closing the second outlet and a second position (Fig. 4) permitting fluid flow through the second outlet and, the obturating member including retaining means 114, 115 to actively retain the obturating member independently in the first and second positions (Figs 3-4); an engagement mechanism 124, 140 adjustable between an engaged configuration, in which the obturating member is locked (Fig. 2 A) in one of the first or second positions; and a disengaged configuration (Fig. 2B) in which the obturating member can move (Fig. 2C) to the other of the first and second position; a fluid pressure actuation surface 110 coupled to the engagement mechanism and biased by a spring 124 located between the tubular assembly and the engagement

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mechanism 140; wherein variation of fluid pressure on the actuation surface controls actuation of the engagement mechanism and stroking the tool (paragraph 65, lines 11-13) in the disengaged configuration (paragraph 65, lines 16-19, and paragraph 65, lines 1-4) moves obturating member.

As to Claims 2-6, the slidable sleeve is met by sleeve 141; the retaining collet is met by collet 114, 115; the recess is met by recesses 131-134; the pressure actuator sleeve is met by elements 110, 140 a portion of which is located across the collet (Fig. 2).

Claims 15 is anticipated by paragraph 65, lines 11-13, where the pressure is increased to a predetermined level by pumping fluid; Claims 16, is met by Fig. 3, wherein closed and locked and the pump turned off as the ball already passed through the surface 110; Claim 17 is an implicit feature as while drilling the circulation is not required and the fluid is pumped to wash the cuttings and the drill string is pushed in the drilling direction which results in compression; Claim 20 is anticipated by Fig. 3, when the tool is locked but fluid is still pumped in order to push the ball through.

Claim 22 is fully anticipated by Allamon reference as it teaches the same cycle of operation in the sequence of (c), (b), (a), (f), (e), (d), since claim 22 fails to point out a specific order.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allamon in view of Pia et al (5,890,540) or McGarian et al (6,173,795).

The features of claims 7-10 are merely normal design possibilities in the technical field, suggested also by Pia et al or McGarian et al, and do not constitute a patentable distinction over the prior art.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 should depend from Claim 5, instead of Claim 1.

Allowable Subject Matter

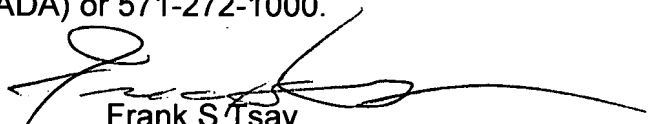
Claims 9, 18, 21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank S. Tsay whose telephone number is (571) 272-7038. The examiner can normally be reached on Monday thru Friday, 7:30am-5:00 pm, 2nd Friday off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jennifer H. Gay can be reached on (571)272-7029. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Frank S Tsay
Primary Examiner
Art Unit 3672

10/14/07